

**Affidavit of Records (MD)**

STATE OF MARYLAND

MIDLAND CREDIT MANAGEMENT, INC.,

D-111-CV-20-010785

Plaintiff

-vs-

**AFFIDAVIT OF BRIAN ROTHSTEIN**

Kavonte Duckett,

Defendant(s).

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Brian Rothstein, whose business address is 16 McLeland Road Suite 101, St. Cloud, MN 56303, certifies and says:

1. I am employed as a Legal Specialist and have access to pertinent account records for Midland Credit Management, Inc. ("Plaintiff" or "MCM"). I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained by Plaintiff. Plaintiff is the current owner of and/or successor to the obligation sued upon, and was assigned all the rights, title and interest to Defendant's CREDIT ONE BANK, N.A. account XXXXXXXXXXXXXXX6667 (MCM Number XXXXX6993) (hereinafter "the Account").
2. I have access to and have reviewed the electronic records pertaining to the Account maintained by Plaintiff and am authorized to make this Affidavit on Plaintiff's behalf. The electronic records reviewed consist of (i) data and records acquired from the seller when Plaintiff purchased the Account, which were incorporated into Plaintiff's business records upon purchase, and (ii) data and records generated by Plaintiff in connection with servicing the Account since the day it was purchased by Plaintiff. In addition, I reviewed the documents that are attached to this affidavit.
3. I am familiar with and trained on the manner and method by which Plaintiff creates and maintains its business records pertaining to the Account. The records are kept in the regular course of business. It was in the regular course of business for a person with knowledge of the act or event recorded to make the record or data compilation, or for a person with knowledge to transmit information thereof to be included in such record. In the regular course of business, the record or compilation is made at or near the time of the act or event by Plaintiff as a regular practice.

**EXHIBIT "A"**



304586993



MISC



20-254301

4. Plaintiff's records show that Defendant(s) owed a balance of \$558.08 as of 2020-11-09.

5. As set forth in the records attached hereto, on or about 2020-03-15, the Account was sold from CREDIT ONE BANK, N.A. to the following entities in order of occurrence on or about:

MHC Receivables, LLC	2020-04-13
Sherman Originator III LLC	2020-04-20
Midland Credit Management, Inc.	

6. On or about 2020-03-15, MHC Receivables, LLC purchased or was assigned the Account from CREDIT ONE BANK, N.A. in accordance with the attached Bill of Sale and/or Affidavit of Sale.

7. On or about 2020-04-13, Sherman Originator III LLC purchased or was assigned the Account from MHC Receivables, LLC in accordance with the attached Bill of Sale and/or Affidavit of Sale.

8. As set forth in the records attached hereto, on or about 2020-04-20, MIDLAND CREDIT MANAGEMENT, INC. purchased the pool of accounts referenced in the attached Bill of Sale and/or Affidavit of Sale from Sherman Originator III LLC. Sherman Originator III LLC transferred account information to Plaintiff in connection with the sale. Plaintiff incorporated the account information into its records and maintains the records in its regular course of business, including the sale file/sale ID identified in the attached Bill of Sale and/or Affidavit of Sale as "20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append data". In connection with the purchase, Plaintiff assigned the pool of accounts a unique MCM portfolio identification number (100419), which enabled each account in the portfolio to be internally identified and tracked. In addition, Plaintiff assigned unique MCM numbers to each of the accounts in portfolio 100419, including assigning the MCM number XXXXX6993 to the Account.

9. Attached hereto are the following records regarding the Account:

- Bill(s) of Sale, Assignment(s) and/or Affidavit(s) of Sale for the above referenced sale(s) of the Account.
- Seller data sheet reflecting the Account-specific information that was extracted and printed from the sale file/sale ID identified as "20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append data" provided by the seller to Plaintiff pursuant to the Bill of Sale/Assignment in connection with the sale of the Account to Plaintiff.
- Records regarding the Account and/or payments received, being a reproduction from Plaintiff's records based upon my review.



304586993



MISC



20-254301

10. The incorporated records attached hereto have been maintained by Plaintiff in the ordinary course of its business. The attached records are true and correct copies of the originals, being a reproduction of Plaintiff's records, based upon my review, except to the extent that confidential and privileged information and/or personal identifying information is omitted or redacted as required by local rules, and applicable state and federal law.

I certify under penalty of perjury that the foregoing statements are true and correct.

DEC 02 2020

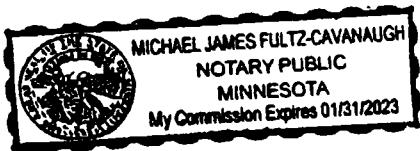
Date

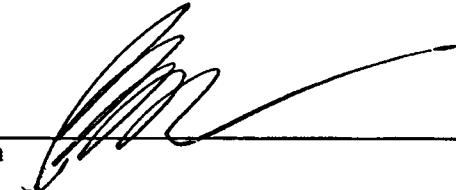
Brian Rothstein

STATE OF MINNESOTA

COUNTY OF STEARNS

Signed and sworn to (or affirmed) before me on DEC 02 2020 by Brian Rothstein.



  
\_\_\_\_\_  
Notary Public

CA137



304586993



MISC



20-254301

CREDIT ONE BANK CREDIT CARD STATEMENT  
 Account Number **6667**  
 February 14, 2020 to March 13, 2020

SUMMARY OF ACCOUNT ACTIVITY	
Previous Balance	\$509.12
Payments	\$0.00
Other Credits	\$0.00
Purchases	\$0.00
Cash Advances	\$0.00
Fees Charged	\$39.00
Interest Charged	\$9.96
<b>New Balance</b>	<b>\$558.08</b>
Credit Limit	\$300.00
Available Credit	\$0.00
Statement Closing Date	03/13/20
Days in Billing Cycle	29

QUESTIONS?

Call Customer Service or Report  
 a Lost or Stolen Credit Card 1-877-825-3242  
 Outside the US Call 1-702-405-2042  
 Please send billing inquiries and correspondence to  
 P O Box 98873, Las Vegas, NV 89193-8873

PAYMENT INFORMATION		
New Balance	\$558.08	
Past Due Amount	\$210.00	
Amount Due This Period	\$387.08	
Minimum Payment Due	\$558.08	
Payment Due Date	04/09/20	
Late Payment Warning		
If we do not receive your minimum payment by the date listed above you may have to pay a late fee up to \$39		
Minimum Payment Warning		
If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance		
For example		
If you make no additional charges using this card and each month you pay	the balance shown on the statement in about	And you will end up paying an estimated total of
Only the minimum payment	1 months	\$558.00
If you would like a location for credit counseling services, call 1-866-515-5720		

TRANSACTIONS				
Reference Number	Trans Date	Post Date	Description of Transaction or Credit	Amount
			Fees	
	03/13	03/13	LATE FEE	39.00
			TOTAL FEES FOR THIS PERIOD	39.00
			Interest Charged	
	03/13	03/13	Interest Charge on Purchases	9.96
	03/13	03/13	Interest Charge on Cash Advances	0.00
			TOTAL INTEREST FOR THIS PERIOD	9.96
2020 Totals Year-to-Date				
			Total fees charged in 2020	\$117.00
			Total interest charged in 2020	\$27.40

Your account is currently closed.

INTEREST CHARGE CALCULATION				
Your Annual Percentage Rate (APR) is the annual interest rate on your account.				
Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charge	
Purchases	25.49%(v)	\$469.06	\$9.96	
Cash Advances	25.49%(v)	\$0.00	\$0.00	
(v) = Variable Rate				

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Please return this portion with your payment and write your account number on your check, made payable to CREDIT ONE BANK



For address, telephone and email changes, please complete the reverse side  
 Or, update your contact information online at [www.CreditOneBank.com](http://www.CreditOneBank.com)

PAY YOUR BILL ONLINE at CreditOneBank.com

Account Number **6667**  
 New Balance. \$558.08  
 Minimum Payment Due: \$558.08  
 Payment Due Date 04/09/20

AMOUNT ENCLOSED: \$

CREDIT ONE BANK  
 PO BOX 60500  
 CITY OF INDUSTRY CA 91716-0500

KAVONTE DUCKETT  
 1808 COUNTRY RUN WAY  
 FREDERICK MD 21702-5906

0000000 0055808 0055808 **6667 9**

CREDIT ONE BANK CREDIT CARD STATEMENT  
 Account Number [REDACTED] 6667  
 August 14 2019 to September 13, 2019

SUMMARY OF ACCOUNT ACTIVITY	
Previous Balance	\$39.00
Payments	\$0.00
Other Credits	\$0.00
Purchases	\$207.06
Cash Advances	\$0.00
Fees Charged	\$28.00
Interest Charged	\$2.54
<b>New Balance</b>	<b>\$276.60</b>
Credit Limit	\$300.00
Available Credit	\$23.00
Statement Closing Date	09/13/19
Days in Billing Cycle	31

QUESTIONS?

Call Customer Service or Report  
 a Lost or Stolen Credit Card 1-877-825-3242  
 Outside the U.S. Call 1-702-405-2042

Please send billing inquiries and correspondence to  
 P.O. Box 98873, Las Vegas, NV 89193-8873

PAYMENT INFORMATION		
New Balance	\$276.60	
Past Due Amount	\$30.00	
Amount Due This Period	\$58.00	
Minimum Payment Due	\$88.00	
Payment Due Date	10/09/19	
Late Payment Warning		
If we do not receive your minimum payment by the date listed above you may have to pay a late fee up to \$39		
Minimum Payment Warning		
If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance		
For example		
If you make no additional charges using this card and each month you pay	the balance shown on the statement in about	And you will end up paying an estimated total of
Only the minimum payment	10 months	\$305.00
If you would like a location for credit counseling services call 1-866-515-5720		

If you would like a location for credit counseling services  
 call 1-866-515-5720

TRANSACTIONS				
Reference Number	Trans Date	Post Date	Description of Transaction or Credit	Amount
241640779M7VNH6VWD	08/21	08/21	PETCO 2815 63528152 FREDERICK MD	53.53
24073147DS66K022W	08/24	08/24	MOUNTAIN CITY LODGE FREDERICK MD	19.00
24073147DS66L3T0	08/25	08/25	BREWER'S ALLEY FREDERICK MD	8.00
24073147DS66L3YL	08/25	08/25	BREWER'S ALLEY FREDERICK MD	8.00
24326887N173N076Y	09/02	09/02	ADVANCE AUTO PARTS #6207 FREDERICK MD	18.53
241374680017EJSJT	09/12	09/12	CVS/PHARMACY #04650 FREDERICK MD	100.00
			Fees	
	09/13	09/13	LATE FEE	28.00
			<b>TOTAL FEES FOR THIS PERIOD</b>	<b>28.00</b>
			Interest Charged	
	09/13	09/13	Interest Charge on Purchases	2.54
	09/13	09/13	Interest Charge on Cash Advances	0.00
			<b>TOTAL INTEREST FOR THIS PERIOD</b>	<b>2.54</b>
2019 Totals Year-to-Date				
Total fees charged in 2019				\$67.00
Total interest charged in 2019				\$2.54

YOUR ACCOUNT IS PAST DUE. IT IS NOT TOO LATE TO  
 PROTECT YOUR CREDIT RATING! PLEASE PAY THE  
 MINIMUM AMOUNT DUE NOW OR CALL (866) 729-6274.

INTEREST CHARGE CALCULATION				
Your Annual Percentage Rate (APR) is the annual interest rate on your account.				
Type of Balance	Annual Percentage Rate (APR)	Balance Subject to Interest Rate	Interest Charge	
Purchases	25.99%(v)	\$117.26	\$2.54	
Cash Advances	25.99%(v)	\$0.00	\$0.00	
(v) = Variable Rate				

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Please return this portion with your payment, and write your account number on your check, made payable to CREDIT ONE BANK.



For address, telephone and email changes,  
 please complete the reverse side  
 Or, update your contact information online  
 at www.CreditOneBank.com

PAY YOUR BILL ONLINE at CreditOneBank.com

Account Number [REDACTED] 6667

New Balance. \$276.60

Minimum Payment Due. \$88.00

Payment Due Date: 10/09/19

AMOUNT ENCLOSED: \$ [REDACTED]

CREDIT ONE BANK  
 PO BOX 60500  
 CITY OF INDUSTRY CA 91716-0500

KAVONTE DUCKETT  
 1808 COUNTRY RUN WAY  
 FREDERICK MD 21702-5906

0000000 0027660 0006000 [REDACTED] 6667 9

**BILL OF SALE AND ASSIGNMENT OF ACCOUNTS**  
**FROM CREDIT ONE BANK, N.A. TO MHC RECEIVABLES, LLC**

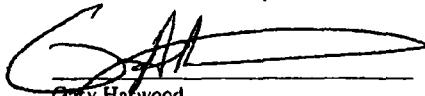
As of March 31, 2020, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Credit One Bank, N.A. ("Assignor") has transferred, has sold, has assigned, has conveyed, has granted and has otherwise delivered to MHC Receivables, LLC ("Assignee"), all of Assignor's right, title and interest in and to (i) the charged-off credit card accounts identified on an account level basis in the data file named **CreditOne\_Fresh\_Encore\_042020** (the "Computer File"), a copy of which is attached hereto and incorporated herein by reference as "Exhibit A"; and, (ii) certain related account level media or electronic copies thereof (including, but not limited to applications, statements, terms and condition), and (iii) all claims or rights arising out of or relating to each account referenced on the Computer File (collectively hereinafter, the "Accounts") including, but not limited to, all claims and rights afforded each Account by virtue of that Account's corresponding terms and conditions.

The Accounts transferred under the terms of this Bill of Sale and Assignment of Accounts were each transferred to Assignee immediately following charge off for each applicable Account, as shown in the Computer File.

With respect to information for the Accounts, Assignor represents and warrants to Assignee that the business records conveyed to Assignee relating to: (i) the Accounts issued by Assignor; and (ii) the sale and assignment of Accounts by Assignor (collectively, the "Business Records"), are kept by Assignor in the regular course of its business. It is in the regular course of business of Assignor for an employee or an authorized representative with personal knowledge of the act, event, condition, or opinion (collectively "Event") to be recorded, to make the appropriate memorandum or recording of the Event at or reasonably near the time of the Event. Furthermore, Assignor represents and warrants to Assignee that the Business Records are materially complete and accurate, and thoroughly embody the information in Assignor's custody and control for the Accounts from their creation until the time of transfer to Assignee. These representations and warranties are intended to augment any other representations and warranties the parties may have in place and not supplant any other existing warranties and representations.

This Bill of Sale and Assignment of Accounts shall serve as evidence of ownership for the Accounts conveyed hereby and shall serve as an acknowledgment, as ratification, and as evidence of the intent of the parties to transfer the Accounts.

**CREDIT ONE BANK, N.A.**



Gary Hatwood  
Vice President

EXHIBIT A

ACCOUNT SCHEDULE

The Accounts pursuant to the BILL OF SALE AND ASSIGNMENT OF ACCOUNTS FROM CREDIT ONE BANK, N.A. TO MHC RECEIVABLES, LLC that are specifically identified in the electronic file named CreditOne\_Fresh\_Encore\_042020 with such electronic file incorporated herein by reference.

**BILL OF SALE AND ASSIGNMENT OF RECEIVABLES**  
**FROM CREDIT ONE BANK, N.A. TO MHC RECEIVABLES, LLC**

As of March 31, 2020, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Credit One Bank, N.A. ("Assignor") has transferred, has sold, has assigned, has conveyed, has granted and has otherwise delivered to MHC Receivables, LLC ("Assignee"), all of Assignor's right, title and interest in and to (i) the receivables associated with each and every account referenced in the data file named CreditOne\_Fresh\_Encore\_042020 (the "Computer File"), a copy of which is attached hereto and incorporated herein by reference as "Exhibit A"; and, (ii) all claims or rights arising out of or relating to each of those Receivables (hereinafter, the "Receivables").

The Receivables transferred under the terms of this Bill of Sale and Assignment of Receivables were each transferred to Assignee prior to the charge off of the associated accounts, as shown in the Computer File. This Bill of Sale and Assignment of Receivables evidences the intent between the parties for the transfer of the Receivables, acts as an acknowledgement of those transfers, and, to the extent necessary, ratification of the transfers.

With respect to information for the Receivables, Assignor represents and warrants to Assignee that the business records conveyed to Assignee relating to the Receivables (the "Business Records"), are kept by Assignor in the regular course of its business. It is in the regular course of business of Assignor for an employee or an authorized representative with personal knowledge of the act, event, condition, or opinion (collectively "Event") to be recorded, to make the appropriate memorandum or recording of the Event at or reasonably near the time of the Event. Furthermore, Assignor represents and warrants to Assignee that the Business Records are materially complete and accurate, and thoroughly embody the information in Assignor's custody and control for the Receivables from their creation until the time of transfer to Assignee. These representations and warranties are intended to augment any other representations and warranties the parties may have in place and not supplant any other existing warranties and representations.

This Bill of Sale and Assignment of Receivables shall serve as evidence of ownership for the Receivables conveyed hereby and shall serve as an acknowledgment, as ratification, and as evidence of the intent of the parties to transfer the Receivables.

CREDIT ONE BANK, N.A.



Gary Harwood  
Vice President

**EXHIBIT A**

**ACCOUNT SCHEDULE**

The Receivables pursuant to the BILL OF SALE AND ASSIGNMENT OF RECEIVABLES FROM CREDIT ONE BANK, N.A. TO MHC RECEIVABLES, LLC that are specifically identified in the electronic file named **CreditOne\_Fresh\_Encore\_042020** with such electronic file incorporated herein by reference.

**BILL OF SALE AND ASSIGNMENT OF RECEIVABLES**  
**FROM MHC RECEIVABLES, LLC TO FNBM, LLC**

As of April 13, 2020, MHC Receivables, LLC ("Assignor"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has periodically transferred, has sold, has assigned, has conveyed, has granted and has otherwise delivered to FNBM, LLC ("Assignee") all of its rights, title and interest in and to (i) the receivables identified and specifically referenced for each of the accounts on an account level basis on the data file titled **CreditOne\_Fresh\_Encore\_042020** attached hereto and incorporated by reference as "Exhibit A"; and (ii) all claims or rights arising out of or relating to the account level receivables (hereinafter the "Receivables").

With respect to information for the Receivables, Assignor represents and warrants to Assignee that the business records conveyed to Assignee relating to the Receivables (the "Business Records"), are kept by Assignor in the regular course of its business. It is in the regular course of business of Assignor for an employee or an authorized representative with personal knowledge of the act, event, condition, or opinion (collectively "Event") to be recorded, to make the appropriate memorandum or recording of the Event at or reasonably near the time of the Event. Furthermore, Assignor represents and warrants to Assignee that the Business Records are materially complete and accurate, and thoroughly embody the information in Assignor's custody and control for the Receivables from their creation until the time of transfer to Assignee. These representations and warranties are intended to augment any other representations and warranties the parties may have in place and not supplant any other existing warranties and representations.

This Bill of Sale and Assignment of Receivables shall serve as an acknowledgment, as ratification, and as evidence of the intent of the parties to transfer the Released Receivables referenced herein.

**MHC Receivables, LLC**



Mark Rufail, Authorized Representative

**EXHIBIT A**

**ACCOUNT SCHEDULE**

The Receivables pursuant to the BILL OF SALE AND ASSIGNMENT OF RECEIVABLES FROM MHC RECEIVABLES, LLC TO FNBM, LLC that are specifically identified in the electronic file named **CreditOne\_Fresh\_Encore\_042020**, with such electronic file incorporated herein by reference.

**BILL OF SALE AND ASSIGNMENT OF RECEIVABLES**  
**FROM FNBM, LLC TO SHERMAN ORIGINATOR III LLC**

On April 13, 2020, FNBM, LLC ("Assignor"), for good and valuable consideration, the receipt of which is hereby acknowledged, hereby transfers, sells, assigns, conveys, grants and delivers to Sherman Originator III LLC ("Assignee"), all of its rights, title and interest in and to (i) the receivables identified and specifically referenced for each of the accounts on an account level basis on the data file titled CreditOne\_Fresh\_Encore\_042020 attached hereto and incorporated by reference as "Exhibit A"; and (ii) all claims or rights arising out of or relating to the receivables (hereinafter the "Receivables").

With respect to information for the Receivables, Assignor represents and warrants to Assignee that the business records relating to the Receivables (the "Business Records") are kept by Assignor in the regular course of its business. It is in the regular course of business of Assignor for an employee or an authorized representative with personal knowledge of the act, event, condition, or opinion (collectively "Event") to be recorded, to make the appropriate memorandum or recording at or reasonably near the time of the Event. Furthermore, Assignor represents and warrants to Assignee that the Business Records are materially complete and accurate and thoroughly embody the information in Assignor's custody and control for the Receivables from Assignor's receipt of those Receivables until the time of transfer to Assignee. These representations and warranties are intended to augment any other representations and warranties the parties may have in place and not supplant any other existing warranties and representations.

This Bill of Sale and Assignment of Receivables shall serve as evidence of ownership for any of the Receivables conveyed hereby.

FNBM, LLC

  
\_\_\_\_\_  
Jon Mazzoli, Authorized Representative

**EXHIBIT A**

**ACCOUNT SCHEDULE**

The Receivables pursuant to the BILL OF SALE AND ASSIGNMENT OF RECEIVABLES FROM FNB M, LLC TO SHERMAN ORIGINATOR III, LLC that are specifically identified in the electronic file named CreditOne\_Fresh\_Encore\_042020, with such electronic file incorporated herein by reference.

**BILL OF SALE AND ASSIGNMENT OF ACCOUNTS**  
**FROM MHC RECEIVABLES, LLC TO SHERMAN ORIGINATOR III LLC**

On April 13, 2020, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, MHC Receivables, LLC ("Assignor"), hereby transfers, sells, assigns, conveys, grants and otherwise delivers to Sherman Originator III LLC ("Assignee"), all of Assignor's, rights title and interest in and to (i) the charged-off accounts identified on an account level basis in the data file named CreditOne\_Fresh\_Encore\_042020 (the "Computer File"), a copy of which is attached hereto and incorporated herein by reference as "Exhibit A"; and, (ii) certain related account level media or electronic copies thereof (including, but not limited to applications, statements, terms and condition), and (iii) all claims or rights arising out of or relating to each referenced account (collectively hereinafter the "Accounts") including, but not limited to, all claims and rights afforded each account by virtue of that account's corresponding terms and conditions.

With respect to information for the Accounts described in the related Computer File, Assignor represents and warrants to Assignee that the business records relating to: (i) the Accounts owned by Assignor; and (ii) the sale and assignment of Accounts by Assignor (collectively, the "Business Records"), are kept by Assignor in the regular course of its business. It is in the regular course of business of Assignor for an employee or an authorized representative with personal knowledge of the act, event, condition, or opinion (collectively "Event") to be recorded, to make the appropriate memorandum or recording at or reasonably near the time of the Event. Furthermore, Assignor represents and warrants to Assignee that the Business Records are materially complete and accurate and thoroughly embody the information in Assignor's custody and control for the Accounts listed in the Computer File from Assignor's receipt of those Accounts until the time of transfer to Assignee. These representations and warranties are intended to augment any other representations and warranties the parties may have in place and not supplant any other existing warranties and representations.

This Bill of Sale and Assignment of Accounts shall serve as evidence of ownership for any of the Accounts conveyed hereby.

MHC Receivables, LLC



Mark Rufail, Authorized Representative

**EXHIBIT A**

**ACCOUNT SCHEDULE**

The Accounts pursuant to the BILL OF SALE AND ASSIGNMENT OF ACCOUNTS FROM MHC RECEIVABLES, LLC TO SHERMAN ORIGINATOR III, LLC that are specifically identified in the electronic file named **CreditOne\_Fresh\_Encore\_042020**, with such electronic file incorporated herein by reference.

**Exhibit G**

**AFFIDAVIT OF CREDIT ONE BANK, N.A., FNBM, LLC, AND MHC RECEIVABLES, LLC**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

Your Affiant, Gary Harwood, being first duly sworn, states under oath as follows:

1. My name is Gary Harwood. I am a Vice President of Credit One Bank, N.A. ("Credit One"), and an authorized representative of Credit One, FNB, LLC ("FNB"), and MHC Receivables, LLC ("MHC"). I am over the age of eighteen and authorized to make this Affidavit on behalf of Credit One, FNB, and MHC. If called as a witness, I can testify to a court competently as to my knowledge of the facts contained herein.

2. As part of my regular job duties, I have access to and routinely review the business records of Credit One, MHC, and FNBm related to accounts and associated receivables originated, serviced, and charged-off by Credit One. Such records include those maintained by or on behalf of Credit One, MHC and FNBm in the ordinary course of each entity's business with regard to the sale and assignment of Credit One's, MHC's, and FNBm's accounts and associated receivables.

3. The facts stated herein are within my personal knowledge and are based on my review of the relevant books and records available to me.

**4. Assignment or Sale of Receivables.**

a. Each day, pursuant to the terms of self-executing purchase agreements, any new receivables ("Receivables") associated with the Accounts (as defined below), are sold by (a) Credit One to MHC, as evidenced by a Bill of Sale and Assignment dated as of **March 31, 2020**, by Credit One in favor of MHC, a copy of which is attached hereto, and then (b) MHC to FNB, as evidenced by a Bill of Sale and Assignment dated as of **April 13, 2020**, by MHC in favor of FNB, a copy of which is attached hereto.

b. On or about **April 13, 2020**, FNB sold the Receivables to Sherman Originator III, LLC ("Sherman"), as evidenced by a Bill of Sale and Assignment dated as of **April 13, 2020**, by FNB in favor of Sherman, a copy of which is attached hereto.

### 5. Assignment or Sale of Accounts.

a. On or about **March 31, 2020**, Credit One sold a pool of charged-off accounts ("Accounts") associated with the Receivables to MHC, as evidenced by a Bill of Sale and Assignment dated as of **March 31, 2020**, by Credit One in favor of MHC, a copy of which is attached hereto.

b. On or about April 13, 2020, MHC sold the Accounts to Sherman, as evidenced by a Bill of Sale and Assignment dated as of April 13, 2020, by MHC in favor of Sherman, a copy of which is attached hereto.

6. Neither Credit One, FNB M., nor MHC retains any rights to receive payments, or to collect on the Accounts or Receivables. As demonstrated in the preceding, the Accounts and Receivables are ultimately reunited and all rights, title, and interest in the Accounts and Receivables are ultimately held by Sherman. Sections 4 and 5 of this Affidavit shall hereinafter be referred to collectively as the "Sale of Accounts and Receivables".

7. As part of the Sale of Accounts and Receivables, information contained in Credit One's, MHC's, and FNB's business records relating to the Accounts and Receivables (collectively, the "Business Records") were provided to Sherman. These Business Records were made and/or recorded by or for Credit One, FNB, and MHC as part of the regular course of business of each entity at or near the time of the acts, events, or conditions recorded. These Business Records accurately reflect the status of the Accounts and Receivables, are truthfully reflected in the

computer file identified in each Bill of Sale and Assignment, and are complete without errors to the best of my knowledge.

8. Credit One, as servicing agent for MHC and FNB, maintained the Business Records related to the Accounts and Receivables. To the extent the Business Records include records that were prepared by Credit One on behalf of MHC or FNB, those records were accurately incorporated into the records of both FNB and MHC as both FNB's and MHC's own Business Records. To the extent that the Business Records include records that were prepared by a third party other than Credit One, those records were accurately incorporated into the records of both FNB and MHC as Business Records, and were relied upon thereon.

The above statements are true and accurate to the best of my knowledge and are made for the benefit of any court that from time to time considers whether Sherman (or its successors or assigns) has the right to collect and/or enforce all or any portion of the Receivables, or to enforce any rights related to the Accounts.

Signed this 4 day of JUNE, 2020

Gary Harwood  
Credit One Bank, N.A. - Authorized Representative and Vice President of Collections  
FNBm, LLC - Authorized Representative  
MHC Receivables, LLC - Authorized Representative

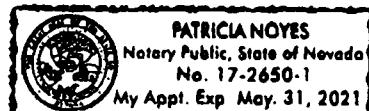
**ACKNOWLEDGMENT OF SIGNATURE BY LICENSED NOTARY**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

This instrument was acknowledged before me on the 4 day of June, 2020 by Gary Harwood, authorized representative of FNBm, LLC, authorized representative of MHC Receivables, LLC, and Vice President of Collections for Credit One Bank, N.A.



, Notary Public



## **CERTIFICATE OF CONFORMITY**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF CLARK )

I, Barbara Hoerner, an attorney-at-law admitted to practice in the State of Nevada as In House Counsel for Credit One Bank, N.A., do hereby certify that I am fully acquainted with the laws of the State of Nevada pertaining to administration and taking of oaths, affirmations and acknowledgements. I further state that I am duly qualified to make this Certificate of Conformity and that the acknowledgement upon the Affidavit of Sale was taken by Patricia Noyes, notary public in the State of Nevada, in the manner prescribed by the laws of the State of Nevada.

IN WITNESS WHEREOF, I have signed this Certificate the 4<sup>th</sup> day of June, 2020

Barbara Hoerner  
Nevada State Bar # 146580  
Credit One Bank, N.A.  
6801 S. Cimarron Rd.  
Las Vegas, NV 89113

**BILL OF SALE AND ASSIGNMENT OF ACCOUNTS AND RECEIVABLES**  
**FROM SHERMAN ORIGINATOR III LLC TO MIDLAND CREDIT MANAGEMENT, INC.**

Sherman Originator III LLC ("Seller"), the owner of certain accounts and associated receivables (hereinafter referred to collectively as "Purchased Accounts"), for value received and in accordance with the terms of the Purchase and Sale Agreement, by and between Seller and Midland Credit Management, Inc. ("Buyer"), dated as of **March 18, 2020** ("Agreement"), does hereby sell, assign and transfer to Buyer, its successors and assigns, all right, title and interest in and to the Purchased Accounts as described on the computer file named **20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append** data (the "Computer File"), a copy of which is attached hereto and incorporated herein by reference as "Exhibit A".

This Bill of Sale and Assignment of Accounts and Receivables is subject to the terms of the Agreement and is made without representations and warranties of any kind or character except as expressly stated in the Agreement, or as expressly stated below.

With respect to information for the Purchased Accounts described in the related Computer File, to the best of Seller's knowledge, Seller represents and warrants to Buyer that such information (i) is materially complete and accurate; (ii) constitutes Seller's own business records that pertain to the Purchased Accounts and accurately reflects in all material respects the information in Seller's database; (iii) was kept in the regular course of Seller's business; (iv) was made, entered or compiled in the regular course of business; (v) was recorded at or near the time the underlying activity occurred, by a person with knowledge of the data recorded; (vi) has been accurately maintained in Seller's database since it was recorded there; and (vii) it is the regular practice of Seller's business to maintain and compile such data.

This Bill of Sale and Assignment of Accounts and Receivables may be entered as evidence of ownership for any of the Purchased Accounts conveyed hereby.

**Closing date: April 20, 2020**

**SHERMAN ORIGINATOR III LLC**

By: *John M. JW*  
Name: *John Mazzoni*  
Title: *V.P.*

**MIDLAND CREDIT MANAGEMENT, INC.**

By: *Sarah Cosgrave*  
Name: *Sarah Cosgrave*  
Title: *MVP of Business Development*

**EXHIBIT A**

**ACCOUNT SCHEDULE**

The Purchased Accounts pursuant to the BILL OF SALE AND ASSIGNMENT OF ACCOUNTS AND RECEIVABLES FROM SHERMAN ORIGINATOR III LLC TO MIDLAND CREDIT MANAGEMENT, INC. that are specifically identified in the electronic file named 20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append data with such electronic file incorporated herein by reference.

Exhibit F

AFFIDAVIT OF SALE OF ACCOUNTS BY  
SHERMAN ORIGINATOR III LLC

State of South Carolina  
County of Charleston

I, Jon Mazzoli, hereby affirm as follows:

1. I am over 18 and not a party to this action. I am a Vice President of Sherman Originator III LLC ("Sherman Originator III LLC"). In that capacity, I have access to certain books and records of Sherman Originator III LLC and certain of its subsidiaries and affiliates (as defined by common control) (collectively, "Sherman"), and am aware of the process of the sale and assignment of electronically stored business records.
2. Sherman Originator III LLC owns certain accounts and maintains and records information in its business records as those records relate to such accounts. I am authorized to make the statements and representations set forth in this affidavit on behalf of Sherman Originator III LLC. The statements set forth herein are true and correct to the best of my knowledge, information, and belief, based on either personal knowledge or review of the business records of Sherman Originator III LLC.
3. On April 20, 2020 (the "Sale Date"), Sherman Originator III LLC sold a pool of charged-off accounts, and receivables due and owing associated with those accounts (hereinafter referred to collectively as "Purchased Accounts"), described on the computer file which specifically references each account in the data file, named 20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append data (the "Computer File") by a Purchase and Sale Agreement and a Bill of Sale and Assignment to Midland Credit Management, Inc. (the "Buyer") (such transaction being the "Sale"). The originating creditor, charge-off creditor, and prior servicer of the Purchased Accounts was Credit One Bank, N.A.
4. Pursuant to the Sale, Sherman Originator III LLC sold, transferred, assigned, conveyed, granted, bargained, set over and delivered to the Buyer and its successors and assigns as of the Sale Date: (i) good and marketable title to the Purchased Accounts; (ii) the right to any future payments made arising out of the Purchased Accounts, (iii) any unpaid balance related to the Purchased Accounts, and (iv) all account documents in Sherman Originator III LLC's possession. All of the assets transferred to Buyer were transferred free and clear of any encumbrance, equity, lien, pledge, charge, claim or security interest of any kind. I am not aware of any errors or defects related to the Purchased Accounts, the Computer File, the account documents, or Sherman Originator III LLC's ownership of and title to the Purchased Accounts.
5. In connection with the Sale of the Purchased Accounts, various records in different formats were transferred to or otherwise made available to the Buyer (the "Business Records"). As part of my regular job duties, I have knowledge of and access to Business Records relating to the Purchased Accounts. These Business Records were kept by Sherman Originator III LLC in the regular course of business. It was within Sherman Originator III LLC's regular course of business for a representative with personal knowledge of the act, event, condition, or opinion recorded to make memorandums or records or to transmit information thereof to be included in memorandums or records. Any such memorandums or records were created at or near the time of the act or event recorded or reasonably soon thereafter. To the extent that the Business Records include records that were prepared by a third party, an agent, an affiliate, or a subsidiary, those records were incorporated into the records of Sherman Originator III LLC becoming part of its own Business Records.

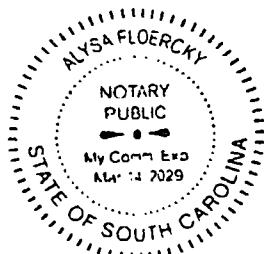
[signatures included on following page]

The above statements are true to the best of my knowledge.  
Signed this 24th day of April, 2020

JON MAZZOLI

Affirmed to and subscribed before me this 24th day of April, 2020

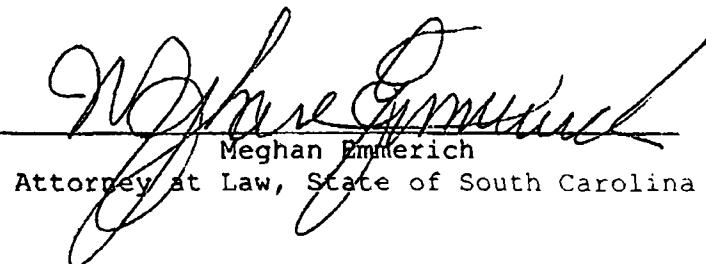
Alysa Floercky  
Alysa Floercky, Notary



CERTIFICATE OF CONFORMITY

I, Meghan Emmerich, an attorney-at-law admitted to practice in the State of South Carolina and fully acquainted with the laws of the State of South Carolina pertaining to the acknowledgement or proof of deeds of real property to be recorded therein, do hereby certify that I am duly qualified to make this certificate of conformity and that the acknowledgement or proof upon the affidavits of merit were taken by Alysa Floercky, notary public in the State of South Carolina, in the manner prescribed by the laws of the State of South Carolina and conforms to the laws thereof in all respects.

IN WITNESS WHEREOF, I have hereunto set my signature, on April 24, 2020.



\_\_\_\_\_  
Meghan Emmerich  
Attorney at Law, State of South Carolina

<u>Field</u>	<u>Field Data</u>
Account Number	6667
Seller Account ID	5329
First Name	Kavonte
Last Name	Duckett
SSN	XXX-XX-1599
Date of Birth	
Address 1	1808 Country Run Way
City	Frederick
State	MD
Zip	21702
Home Phone	3014732743
Open Date	07/31/2019
Last Purchase Date	09/12/2019
Last Purchase Amount	\$100.00
Sale Amount	\$558.08
Charge Off Date	03/15/2020
Charge off Balance	\$558.08
Post Charge Off Interest	\$0.00
Post Charge off Fee	\$0.00
Post Charge off Payments	\$0.00
Post Charge off Payments and Credits	\$0.00
Post Charge off Credits	\$0.00
Alternate Account #1	6667

Account information provided by Sherman Originator III LLC pursuant to the Bill of Sale/Assignment of Accounts transferred on or about 04/20/2020 in connection with the sale of accounts from Sherman Originator III LLC to Midland Credit Management, Inc.

20200413\_ChgOff\_Final\_Sale\_Excel\_CreditOne\_Encore\_Apr20\_650709\_707030-1\_append data